

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MARTIN KUSTER,

Plaintiff,

v.

WESTERN DIGITAL
TECHNOLOGIES, INC.,

Defendant.

Case No. 6:20-cv-563-ADA

JURY TRIAL DEMANDED

**PLAINTIFF’S NOTICE OF MOOTNESS OF
DEFENDANT’S MOTION TO TRANSFER AND TO DISMISS**

On August 17, 2020, Defendant Western Digital Technologies, Inc. (“Defendant”) filed an Opposed Motion to Transfer and to Dismiss (“Motion”) (Dkt. 13). Defendant’s Motion seeks dismissal of the claims for indirect infringement and willful infringement plead by Plaintiff Martin Kuster (“Plaintiff”). Dkt. 13, at 13-20. Concurrently with this notice, Plaintiff filed his First Amended Complaint addressing the issues raised in Defendant’s Motion. Dkt. 22.

Plaintiff’s First Amended Complaint supersedes his original complaint and thereby moots Defendant’s Motion. *Bosarge v. Miss. Bureau of Narcotics*, 796 F.3d 435, 440 (5th Cir. 2015). Additionally, the facts pled in the First Amended Complaint confirm that: (a) Plaintiff has properly stated claims for indirect and willful infringement; and (b) venue is appropriate in this District for all Counts in the First Amended Complaint.

Dated: September 8, 2020

Respectfully submitted,

By: /s/ Paige Arnette Amstutz

Paige Arnette Amstutz

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ATTORNEYS FOR PLAINTIFF

MARTIN KUSTER

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2020, a copy of the foregoing was filed with the Clerk of Court using CM/ECF which will send electronic notification of such filing to all counsel of record.

/s/ Paige Arnette Amstutz

Paige Arnette Amstutz